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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,566	06/07/2000	Scott Andrew Fagen	POU9-1995-0064-US2	9642

7590 07/10/2003
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Albany, NY 12203

EXAMINER

KUPSTAS, TOD A

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/10/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,566

Applicant(s)

FAGEN ET AL.

Examiner

Tod Kupstas

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13,14,16-19,21-25,27-29,31,32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13,14,16-19,21-25,27-29,31,32 and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2153

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13,14,16-19, 21-25, 27-29, 31, 32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trugman (US 5,887,141) in view of Benayoun et al (US 5,771,227).

As set forth in claims 13, 18, 23, 24, 29, 32, and 35 Trugman discloses a method comprising: having one or more messages of a plurality of messages are being processed in the network (see fig. 2 for an overview of the network, and see col. 3, lines 16-27, and col. 6, lines 45-51 for the discussion of what the SWOs (session work objects) do); and determining completion of a problem associated with one or more messages of the plurality of messages; see col. 6, lines 41-44 (the completion of the SWOs is kept track of), said determining comprising checking a data structure to determine whether the problem is completed; see col. 7, lines 13-18, col. 6, lines 41-44, and col. 8, lines 21-35, (these sections describe the SWO and the corresponding activities surrounding them, completions and execution of these events are provided for in the object oriented system).

Art Unit: 2153

As set forth in claims 16, 21, 27, 31 and 34, Trugman discloses a method wherein said data structure collects results associated with said problem (part of utilizing the SWO scenario implies collecting the results of operating the SWO).

As set forth in claims 17, 22, and 28, Trugman discloses a method wherein the data structure is extendable to accommodate changes in the network; see col. 6, lines 19-33 (this sections describes the execution of SWO based upon changes in the network).

As set forth in claims 13,14,16-19, 21-25, 27-29, 31, 32, and 34-36, Trugman does not disclose having a system wherein the network is dynamically changing. Benayoun discloses a network wherein the nodes of the network can dynamically change transparently to the functioning of the network, and even though the one or more messages have dynamically changed in number in response to the dynamic change in the network (it should be noted that by responding to the dynamic changes in the network, corresponding changes in number of messages sent would correspondingly be adjusted); see col. 1, lines 59-62. As set forth in claims 14, 19 and 25, Benayoun discloses a system wherein dynamically changing the network comprises at least on of adding a process to the network, changing a process of the network and deleting a process from the network (col. 1, lines 59-63 and col. 2, lines 17-24). It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the system of Trugman, with the capability of sending messages smoothly while the network dynamically changes, as taught by Benayoun. The rationale is as follows: It would have been desirable to have continued the network operations while the system lost or added nodes. As Benayoun teaches the

Art Unit: 2153

desirability of continuously transmitting messages during the dynamically changes of the network, one of ordinary skill would have been motivated by Benayoun's teaching to have provided the system of Trugman with capability of dynamically changing the network while still processing messages, thereby having provided an efficient and flexible system in which to run the SWOs.

Response to Arguments

3. Applicant's arguments filed 4/22/2003 have been fully considered but they are not persuasive.

Although Applicant contends that the amendments incorporate the subject matter of claims 30 and 33, the Examiner contends that the scope of those claims differ from the scope found in the newly amended claims. As currently amended the claimed subject matter is best considered taught by Benayoun and incorporated into the obvious rejection, The Examiner contends that by responding to the dynamic changes in the network, corresponding changes in number of messages sent would correspondingly be adjusted. Therefore the combination would meet the claims as currently amended.

Conclusion

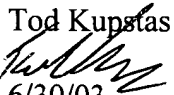
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

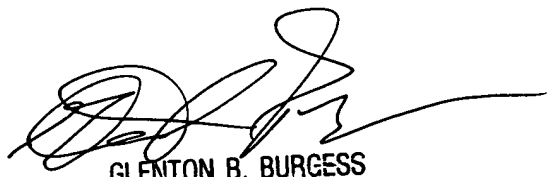
Art Unit: 2153

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

The fax phone number for this art unit is (703) 305-7201. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas

6/30/03


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